AO 440 (Rev. 12/09). Summons in a Civil Action

United States District Court

for the

Western District of Pennsylvania

| DOUGLAS N. GAER |) | | |
|------------------------------------|---|------------------|--------------|
| Plaintiff |) | | .*. . |
| V. |) | Civil Action No. | 10-9-6 |
| EDUCATION MANAGEMENT CORP., et al. |) | | 10-1061 |
| Defendant |) | | |

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Date: AUG 12 2010

Education Management Corp. c/o Todd S. Nelson, Chief Executive Officer 210 Sixth Avenue - 33rd Floor Pittsburgh, Pennsylvania 15222

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Lewis S. Kahn Kahn Swick & Foti, LLC 206 Covington Street Madisonville, Louisiana 70447

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Signature o

R.V. Barth. &

Signature of Clerk or Deputy Clerk

Case 2:10-cv-01061-RCM Document 2 Filed 08/23/10 Page 2 of 2

Case 2:05-mc-02025 | Document 979-16 | Fixed 08 11 10 | Page 2 of 2

AC 440 (Rev. 12 89) Summons in a Co. II Action, Page 2

Civil Action No. **10–1061**

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (1))

| was re | This summons for (name of indiceived by me on (date) | vidual and title, if any) | Education Management | Corp | | | | | |
|---|---|---------------------------|---------------------------|--------------------|--------|--|--|--|--|
| ☐ I personally served the summons on the individual at (place) | | | | | | | | | |
| | | | on (date) | ; or | | | | | |
| | ☐ I left the summons at the individual's residence or usual place of abode with (name) | | | | | | | | |
| | , a person of suitable age and discretion who resides there, | | | | | | | | |
| | on (date) . and mailed a copy to the individual's last known address; or | | | | | | | | |
| | XX I served the summons on (r | • | • | • | who is | | | | |
| | designated by law to accept service of process on behalf of (name of organization) Education Management | | | | | | | | |
| | Corp. | | on (date) Aug. | 16, 2010 ; or | | | | | |
| | ☐ I returned the summons und | executed because | | | ; or | | | | |
| Other (specify): service of summons and complaint on Cris Alampi, Executive Assistant to Edward H. West, at 210 Sixth Avenue, 33rd Floor, Pgh, PA on Aug. 16, 2010. | | | | | | | | | |
| | My fees are \$ | for travel and \$ | for services, for | a total of \$ 0.00 |) . | | | | |
| | I declare under penalty of perjury that this information is true. | | | | | | | | |
| Date: | August 16, 2010 | | /Le ber Server's signa | An Rumi Am Rum | ~, | | | | |
| | | | Robent | 4 m. Rum | 12 | | | | |
| | | | Printed name an | | | | | | |
| | | | | MAICA AUE | • | | | | |
| | | | Pittsbur | gh, PA | | | | | |
| | | | Server's addr | .ess | | | | | |

Additional information regarding attempted service, etc: